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Service Connection: The Maine Drinking Water Program Newsletter, Volume 15, Issue 3 (Fall 2007)

Maine Department of Health and Human Services

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Maine Center for Disease Control and Prevention
An Office of the Department of Health and Human Services
John E. Baldacci, Governor Brenda M. Harvey, Commissioner

Service Connection

THE DRINKING WATER PROGRAM NEWSLETTER
"Working Together for Safe Drinking Water"

Volume 15 Issue 3
Fall 2007

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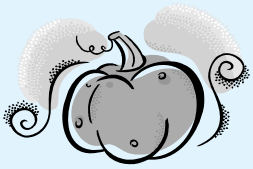

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Confidential Results from the State Lab

Carlton Gardner, Compliance and Enforcement Team Leader

The Drinking Water Program (DWP) staff has direct access to the State of Maine's Health and Environmental Testing Laboratory's (HETL) compliance water analysis results. However, results not intended for compliance purposes are available only to HETL staff and the lab's client.

HETL is accredited through the National Environmental Laboratory Accreditation Program (NELAP). NELAP has a very specific confidentiality requirement as part of their accreditation process. When clients send samples not used for compliance to HETL, their results are confidential.

HETL has the following restrictions:

- State staff, other then HETL employees, have limited access to HETL data;
- Drinking Water Program staff can only view sample results marked as compliance samples; and
- DWP staff cannot view private homeowner sample results or public water system samples marked as operation & maintenance (O&M) samples.

If your system has submitted an O&M sample to HETL, and you want to know the results, call the lab directly.

Even if DWP staff have a sample number, they will be unable to view the results in HETL's database if the sample **is not** marked for compliance purposes.

Does this mean a change for water systems?

Water test results not marked for compliance are labeled by the lab as private water samples. This means that any samples not marked for compliance are not counted for routine or other sampling requirements.

Remember: No matter the results, O&M samples cannot count for compliance.

Water systems must write clearly on the sample sheet whether the sample is a compliance or operation & maintenance sample. This must be done when using HETL or a private lab.

Caring.. Responsive.. Well-Managed.. We are DHHS.

New to the DWP Family:
Daniel Piasecki—Compliance Officer

Dan was born and raised just north of Baltimore, Maryland. He earned a B.S. in Chemical Engineering from the University of Maryland, College Park. Prior to joining the Maine Drinking Water Program, Dan worked for six and a half years with the Maryland Department of the Environment – Water Supply Program performing various duties relating to public drinking water systems.

Dan is married to Carole, who works for a hotel ownership company in Hampden. They have two German Shepherd Dogs, Colby and Gretchen. They are all looking forward to cooler weather and many outdoor adventures.

Dan's contact information is: 287-1979 or daniel.piasecki@maine.gov.

Kate Tufts—Field Inspector

Kate brings 13 years of experience in the water industry to the Drinking Water Program. She spent the last five of those 13 years working for one of Maine's largest water treatment companies where she received national recognition as one of the northeast's top salespeople. She enjoyed helping the general public as well as public water systems fix their water problems and issues.

In 2001, Kate also formed her own small company working as a contract operator for several different community water systems in central/southern Maine. She is eager to share her extensive water treatment and laboratory knowledge as well as her personal experiences as a contract operator with the Drinking Water Program, and the systems she serves. She looks forward to forming and renewing relationships with the nearly 400 campgrounds, restaurants, business and school systems in her district.

Kate's contact information is: 822-0338 or kate.tufts@maine.gov.

Service Connection
THE DRINKING WATER PROGRAM NEWSLETTER

The Department of Health and Human Services (DHHS) does not discriminate on the basis of disability, race, color, creed, gender, sexual orientation, age, or national origin, in admission to, access to, or operations of its programs, services, or activities, or its hiring or employment practices. This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and in accordance with the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975 and the Maine Human Rights Act. Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to DHHS's ADA Compliance/EEO Coordinator, State House Station #11, Augusta, Maine 04333, (207) 287-4289 (V), (207) 287-2000 (TTY). Individuals who need auxiliary aids for effective communication in program and services of DHHS are invited to make their needs and preferences known to the ADA Compliance/EEO Coordinator. This notice is available in alternate formats.

Published by the Drinking Water Program to provide technical and regulatory information on drinking water issues. Articles may be reprinted without restriction if credit is given to their source. To inquire about contributing to future issues or to be added to the mailing list, contact:

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Acting Director's Corner

Working Together for Safe Drinking Water

On July 13th, 2007 after 35 years with the Division of Health Engineering (now Environmental Health), Clough Toppan has retired. We are grateful for Clough's many years of dedicated service. We will miss his energy and enthusiasm. In retirement, Clough will have more time to shop at his favorite locations: Marden's and yard sales.

Nancy Beardsley is now serving as the Acting Director for the Division of Environmental Health. Because Nancy now spends most of her time on Division issues, she has asked that I serve as the Acting Director of the Drinking Water Program. Over the past few weeks, Nancy and I have been busy adjusting to the changes in our positions.

While attending the Maine Water Utilities Annual Clambake in August, I had a conversation with an operator in which he told me how much he appreciated working with the Drinking Water Program. I was grateful for his comments because the staff at the Drinking Water Program has worked hard to earn the trust and confidence of you, our customers. When we developed our strategic plan in 2002, one of our four goals was to "provide exemplary customer service."

As "public servants," we are here to implement the statutes or laws passed by our elected officials. Part of our responsibility is to develop rules and policies which capture the intent of the statutes. Many statutes tend to be unspecific or vague. Therefore, we are constantly seeking to improve our rules and policies to better protect public health and serve the regulated community.

Your input to us is invaluable in improving the service that we provide. When we revised the *Rules Relating to the Fluoridation of Public Water Systems* in 2006, we asked for and received input from many people in the drinking water industry. The results were changes to the rules that were far better than we could have accomplished on our own. We have used the same model this year as we have made changes to the *Rules Relating to Drinking Water*. If you have an idea about how to improve our process or have input on rule making, we want to hear it. We need your experience and expertise as we Work Together for Safe Drinking Water.

Yours for safe drinking water,

Roger Crouse

Drinking Water Rules Changes

Tera Pare, Rulemaking Coordinator

The Drinking Water Program is drafting and proposing changes to the *Rules Relating to Drinking Water* (10-144 CMR 231). Drinking Water Program staff recently finished their review, and these changes are now being reviewed by the Department of Health and Human Services' Division and office directors.

Once Department review is finished, the Attorney General's Office will look at the form and legality. After their approval, the proposed rule changes will be sent to stakeholders and advertised by the Secretary of State's Office, as well as on the Drinking Water Program's website.
The public hearing is tentatively scheduled for late September or early October, depending on how quickly the preliminary reviews and approvals go. If you have questions about these proposed rule changes or the process, please contact Tera Pare at 287-5680, or email her at tera.pare@maine.gov.

Changes for this rulemaking session include:

- Adjusting the AFM fee structure in Section 1-A;
- Adding definitions for "consecutive systems," "system design capacity" and "NSF/ANSI Standards" to Section 2;
- Adding, subtracting, and clarifying construction and capacity standards in Section 3;
- Adjusting sanitary survey requirements in Section 4;
- Adding, subtracting, and changing reporting requirements in Section 6;
- Updating references and citations to the federal regulations in Section 7;
- Adjusting section numbers in Section 7 to directly refer to the correct subsection numbers in Title 40, Code of Federal Regulations, Section 141;
- Adding Subsection S, the Groundwater Rule;
- Adding Subsection U, regarding Initial Distribution System Evaluations;
- Adding Subsection V, the Stage 2 Disinfection Byproducts Rule;
- Adding Subsection W, the Long Term II Enhanced Surface Water Treatment Rule (for Cryptosporidium); and
- Clarifying references and requirements in Sections 8 and 9.

Editor's Note:
The last edition of the Service Connection contained a statement about Boil Water Order requirements which may have been confusing. To clarify, a loss of water pressure in a water system may require a boil water order. The Boil Water Order Policy contains a flow chart detailing when Boil Water Orders are required. You may view the Policy on the Download Documents page of our website, www.medwp.com.

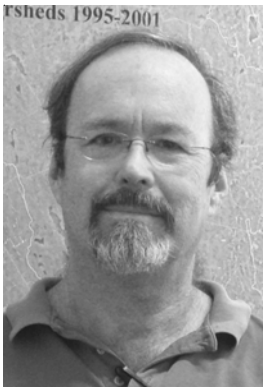
Thanks to Jeff McNelly of the Maine Water Utilities Association for requesting this clarification.

Flow Rules, Design Capacity and Source Protection… Oh My!

Andy Tolman, Water Resources Team Leader

We are working with Department of Environmental Protection (DEP) on implementation of two important pieces of legislation. The Chapter 587 Rules, which set criteria for water flow and lake levels, were finally adopted in July, and the Drinking Water Program has a significant role to play in their implementation. Our draft rules, now out for comment, include new language defining 'system design capacity' and setting up a structure to allow us to work with surface water public water systems to collect information to assess their design capacity.

System Design Capacity is important for public water systems because it is the measure we will be using, in cooperation with DEP and the Public Advocate, in assessing the potential impact of public water supply withdrawals on water levels and flows. We're in the process of developing a questionnaire, in cooperation with the Maine Water Utilities Association Water Resources Committee, to assist in organizing information about the capacity of surface systems to pump, treat, and distribute water. These numbers will be a baseline for decisions in the future, and we want to make them accurate and reasonable.



On a related front, we are also working with DEP to improve source protection through the Natural Resources Protection Act. As you may remember, the Legislature passed PL 2007, Chapter 353, making community public water supply primary protection areas a protected natural resource. As we have been working through the rulemaking process, it has become clear that in general, groundwater systems have different protection needs and fewer abutters than the surface water systems. DEP has decided to move forward with the groundwater regulations, and work on a more deliberate track in developing the surface water regulations, which may affect more than 5,000 shorefront property owners.

We are also discussing how best to manage petroleum and hazardous material use and storage near community wells. It's clearly a significant part of the threat, and we are working with the DEP experts in Remediation and Waste Management to develop a strategy that will provide effective risk reduction. We're also continuing to work with the Land and Water Bureau on managing general development near community wells, and expect to have draft regulations this fall.

Our field inspectors, along with Maine Rural Water Association, are gathering additional data about which systems actually have abutters within their primary protection area (300 feet or 200 day travel time). We plan to work with systems to conduct outreach to these landowners about their new responsibilities in protection of public drinking water quality.

Continuing Education and TCH Relevancy

Teresa Trott, Licensing Officer

Recently, the Board of Licensure of Water System Operators revised Training Contact Hours requirements to be relevant to the water system operator license. To determine if training is relevant, it must meet the following criteria:

- The training shows a direct link to water quality, water supply, or protection of public health; **and**
- The training is relevant to managing the operation or maintenance of public water systems; **or**
- The training is relevant to the operation or maintenance of public water systems.

The new definition of "relevant training" applies to classes taken after June 2007. Operators may use approved Training Contact Hours earned before June for license renewal.

General safety training taken prior to June 2007 will be accepted at renewal time. Safety training taken after June 2007 must meet the relevancy criteria and be specific to the water profession. Safety topics may vary according to your system needs and duties as a licensed operator. Safe practices are important to the water profession and to the operation of water systems.

Courses that may be valuable to the operation of a general business, but are not designed specifically for water systems, may not be approved for Training Contact Hours. The Board of Licensure may review course content and applicability to determine relevancy.

The Training Calendar at www.medwp.com lists many approved classes. You may also read the *Rules Relating to the Licensure of Water System Operators* on the Board of Licensure web page.

Check the Drinking Water Program website often for information concerning training relevancy and approved courses. (www.medwp.com)

Board News

The Board of Licensure seat representing Very Small Water Systems is vacant.

If you or a person you know would like to serve on the Board, contact Teresa Trott for information:

287-7485
or
teresa.trott@maine.gov

New Exam Applications Now Available

New application forms are available to apply for licenses. Please update your files.

Remember, applications must have been postmarked September 8th for the October 23rd and 25th exams in Augusta and Presque Isle.

Drinking Water State Revolving Fund (DWSRF)

Roger Crouse, Acting Director

2008 Intended Use Plan

Now that the September 14, 2007 application deadline has passed for the 2008 DWSRF, the Drinking Water Program is now prioritizing projects and developing the 2008 Intended Use Plan (IUP). The IUP will outline how the 2008 DWSRF funds will be spent. A public hearing is scheduled for November 14, 2007 at the Drinking Water Program office in Augusta at 10:00 am. If you would like to provide input on how the DWSRF funds are spent, please plan on attending this meeting or contact me at roger.crouse@maine.gov.

Water System Consolidation Grants

Now part of the DWSRF, the Drinking Water Program has a grant program to fund the consolidation of public water systems. If you own or operate a small public water system with a technical, managerial or financial capacity issue, you may qualify for a grant of up to $100,000 or 75 percent of project cost (whichever is less) to consolidate with a larger or more viable public water system. Please contact me, if you would like additional information on this grant program.

Whos and Whys of Compliance Letters

Carlton Gardner, Compliance and Enforcement Team Leader

When a system is placed on a Boil Water Order (see the policy at www.medwp.com) or issued a Notice of Non-Compliance, the Drinking Water Program notifies other state agencies, county and municipal offices. We do this to insure that other agencies that may regulate a system know there is a public health issue at this water system.

Who we notify is dependent on the type of water system and whether they are licensed by other agencies. For example:

> If a water system is a restaurant with a liquor license, we notify the Liquor Commission and the Health Inspection Program (HIP). HIP will then send their inspectors out invesitgate whether the establishment is closed or using commercial ice and bottled water.
>
> If the system is a grocery store then we notify the Department of Agriculture.
>
> The Manufactured Housing Board will be notified of an issue at a mobile home park.
>
> Day Care licensing is notified if a day care center is involved.
>
> If a school is involved, we notify the Department of Education and HIP.
>
> A situation at a water utility will prompt notices to the Public Utilities Commission, HIP, Day Care, and the Department of Education.

At the county and municipal level, we try to notify the code enforcement officer or the town manager, as well as the county Emergency Management Agency office (EMA). The EMA office is notified because they often act as the county Health Officer.

Notifying other agencies can help water systems find resources to solve problems. DWP staff has received phone calls from code enforcement officers asking what they can do to help a system to return to compliance. Boil Water Orders and Notices of Non-compliance are public health issues. The Drinking Water Program's goal is to help resolve them as quickly as possible.

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